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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,249	10/17/2000	Sergey Ignatchenko	CA919990041US1	3359
7590	06/10/2005		EXAMINER	
Wayne L. Ellenbogen RYAN MASON & LEWIS LLP 90 Forest Avenue Locust Valley, NY 11560			UNGAR, DANIEL M	
			ART UNIT	PAPER NUMBER
			2132	
DATE MAILED: 06/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/690,249	IGNATCHENKO ET AL.	
	Examiner	Art Unit	
	Daniel M. Ungar	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 February 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-8, 12-19, 23, 24, 27 and 30 is/are allowed.

6) Claim(s) 9-11, 20-22, 25, 26, 28, 29 and 31 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 February 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED OFFICE ACTION

1. Claims 1-31 have been examined. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

SPECIFICATION

2. The corrected specification, received 28 February 2005, is accepted. Previous objections withdrawn.

DRAWINGS

3. Replacement drawings, received 28 February 2005, are accepted. Previous objections withdrawn.

CLAIM REJECTIONS - 35 U.S.C. 112

4. Due to Applicants' amendments to overcome indefiniteness in the claims, previous rejections under 35 U.S.C. 112, second paragraph are withdrawn.

RESPONSE TO ARGUMENTS

5. Applicants' arguments have been considered fully and are found to be persuasive with regard to independent claims 1 and 12.

6. Applicants' arguments are not found to be persuasive with regard to independent claims 9, 10, 20, and 21. Regarding independent claims 9, 10, 20, and 21, applicants assert that Dan et al. fail to disclose two separate servers in communication with each other, one for management and one for storage. Examiner respectfully disagrees. Dan et al. disclose the server to be for storing (see column 1, lines 55-56), and in communication with the code production system, which is adapted to manage the data (see column 2, line 55 - column 3, line 2). Figure 1 clearly shows separate entities for the server, code production system, and certification agency, which Examiner notes forms the basis for Applicants' arguments for independent claims 1 and 12.

CLAIM REJECTIONS - 35 U.S.C. 102

7. Claims 9-10, 20-21, 25-26, 28-29, and 31 are rejected under 35 U.S.C. 102(b) as being unpatentable over Dan et al., U.S. Patent Number 5,825,877.

8. Dan et al. disclose a system for secure management of documents in a computer controlled storage system comprising:

a trusted data management server assessable to a user or user program (see column 2, line 55 - column 3, line 16);
a storage server (see column 1, lines 55-56);
communication between the trusted data management server and the storage server (see column 1, lines 49-59; Figures 1 and 2);
the trusted data management server protecting data in the storage with unique identifiers, data signatures, access control information, and access control information signatures and the storage server storing protected data, unique identifiers, data signatures, access control information, and access control information signatures (see column 2, line 17 - column 3, line 16).

9. Regarding claim 31, Dan et al. disclose submitting a user request and obtaining a document key (see abstract); retrieving an ACL and ACL signature, determining if the retrieved ACL corresponds to the retrieved ACL signature, rejecting retrieval of the protected document when the retrieved ACL does not correspond to the retrieved ACL signature and retrieving the protected document and the document signature from a database management system when the retrieved ACL corresponds to the retrieved ACL signature (see column 2, lines 34-36; column 2, line 55 - column 3, line 16); determining if protected document corresponds to the document signature and rejecting retrieval of the protected document when the protected document does not correspond to the document signature (see column 2, lines 30-34; column 2, line 55 - column 3, line 16);

determining if a document key authenticated by the document signature corresponds to a document key authenticated by the ACL signature when the protected document corresponds to the document signature and rejecting retrieval of the protected document when the document key authenticated by the document signature does not correspond to the document key authenticated by the ACL signature (see column 2, lines 30-34; column 2, line 55 – column 3, line 16; Figure 2, item, 110); and

using the ACL to determine user access to the protected document when the document key authenticated by the document signature corresponds to the document key authenticated by the ACL signature (see column 4, lines 15-18; Figure 2, items 160, 180).

CLAIM REJECTIONS – 35 U.S.C. 103(a)

10. Claims 11 and 22 are rejected as being unpatentable over Dan, et al. as outlined above, in view of Dujari, Patent Number 6,272,593. Dan, et al. do not teach that a random identifier be requested to be used to uniquely identify the data to be stored. Dujari teaches the generation of random names (identifiers) prior to the storage of the data (column 5, lines 25-30). Only if that identifier is unique is that data stored with that identity; otherwise, an error results and the opportunity is given to generate another random identifier (column 6, lines 48-54). Thus, if one is motivated to store a document with an identifier that needs to be unique but not necessarily meaningful, as is taught by Dujari, it would have been obvious to one skilled in the art at the time of the invention to request to reserve a unique random identifier for a document to be stored, and to store it only if that identifier is verified to be unique.

ALLOWABLE SUBJECT MATTER

11. The previous rejections under 35 U.S.C. 102 of claims 1-8 and 12-19 are withdrawn.

12. The following is Examiner's statement of reasons for allowance of claims 1-8, 12-19, 23-24, 27, and new claim 30:

13. Dan et al. disclose a system comprising a server responsive to a user and capable of storing data in and retrieving data from a storage system, and Dan et al. disclose the system to comprise a generator means to generate a unique identifier for data, access control information for data, and signatures generated from the data and unique identifier and access control and unique identifier, respectively. However, the security structure generator which generates the security management structures is disclosed as a trusted third party and thus Dan et al. do not disclose or render obvious a single trusted data management server, responsive to a user, capable of storing data in and retrieving data from a storage system, and capable of generating the stated security structures.

CONCLUSION

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel M. Ungar whose telephone number is 571.272.7960. The examiner can normally be reached on 8:30 - 6:00 Monday - Thursday, Alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571.272.3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2132

DMU

Daniel M. Ungar

Gilberto Barron Jr.
GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100